

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06cr266**

UNITED STATES OF AMERICA)	
)	
Vs.)	ORDER
)	
RHONDA ANN MOFFITT.)	
)	

THIS MATTER is before the court on the court's own Motion for Case Status and Hearing. At the last hearing, the court rejected the proposed plea agreement when it was revealed that defendant had refused to take medication which, according to the results of a forensic examination, made her able to understand the nature and consequences of the proceedings against her and to assist properly in her defense.

At this point, the court is concerned that defendant may not fully appreciate the consequences of her actions. While certainly no guarantee as to what sentence she may actually receive under the Sentencing Guidelines if convicted, it would appear that defendant has already served in pretrial detention an amount of time that may be near, if not greater, than the time she would have to serve if she were found guilty of these charges. If she is not taking the prescribed medication in an attempt to avoid trial, she may not be aware that even if she is found not competent to proceed, she

would likely remain detained for an indefinite period of time through involuntary hospitalization until such time as she regained competence to proceed.

For these reasons, the court will order a status hearing to be set by the Clerk of this court on Monday July 2, 2007. By the close of business on Friday, June 29, 2007, the court expects respective counsel to file briefs with the court addressing (1) the involuntary medication of a pretrial detainee for the purposes of gaining competence for trial, which is governed by United States v. Baldovinos, 434 F.3d 233 (4th Cir. 2006), and the cases therein cited; (2) whether defendant has since the last hearing taken her prescribed medication and presenting the jail records that support such regimen; and (3) if defendant has been taking such medication for a sufficient period of time (many mental health medications are only effective after prolonged use), whether the parties intend to go through with the Rule 11 proceeding.

ORDER

IT IS, THEREFORE, ORDERED that the respective parties file briefs as provided herein by close of business on Friday, June 29, 2007, and that the Clerk of this Court set this matter on for a Status of Case hearing on Monday, July 2, 2007, at a time to be determined and noticed by the Clerk.

Signed: June 25, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

